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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/345,335 07/01/99 GUERLAIN

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000128 TM02/1107
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EXAMINER :

TRAN, M

ART UNIT	PAPER NUMBER
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2173

DATE MAILED:

11/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

T.R

Office Action Summary	Application No.	Applicant(s)
	09/345,335	Stephanie Guerlain
Examiner	Art Unit	
Mylinh T Tran	2173	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 July 1999 .

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-39 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-39 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

15) Notice of References Cited (PTO-892) 18) Interview Summary (PTO-413) Paper No(s). _____
16) Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) Notice of Informal Patent Application (PTO-152)
17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 20) Other: _____

DETAILED ACTION

Drawings

- The drawings are objected to because all boxes should be labeled with appropriate descriptive matter in figure 5B. Correction is required.
- Figures 3 and 11 are objected to text in drawings "Honeywell Confidential and Proprietary". Applicant should submit proposed change in red ink.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-39 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-45 of copending Application No. 09/346,412. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

- In claim 1, "a graphical shape displayed along the gauge axis representative of a value of the corresponding process variable" is similar to "a graphical shape displayed along the gauge axis representative of a current value of the process variable" of claim 1, Application No. 09/346,412.
- In claim 2, "a first pair of high and low limit elements representative of engineering hard high and low limit values for the corresponding process variable and a second pair of high and low limit elements representative of operator set high and low limit values for

the corresponding process variable" is similar to "a first bar extending along the gauge axis wherein a first end of the first bar is representative of an engineering hard high limit for the process variable and a second end of the first bar is representative of an engineering hard low limit for the process variable" of claim 2, Application No. 09/346,412.

- In claim 3, "a first pair of parallel lines extending orthogonal to the gauge axis " is similar to "one or more bars extending along the gauge axis" of claim 3, Application No. 09/346,412.
- Also, in claim 3, "the operator set high and low limit values" is similar to "pointer flags associated with operator set limits, the one or more manipulation pointer flags are draggable along the gauge axis to change such operator set limits" of claim 11, Application No. 09/346,412.
- In claim 9, "a graphical symbol representative of an optimization characteristic for the corresponding process variable" is similar to "to provide for optimization to a pseudo set point" of claim 8, Application No. 09/346,412.
- In claim 19, "a matrix display having the manipulated variables displayed along a first axis thereof and the controlled variables displayed along a second axis thereof" is similar to "one or more process variables include a plurality of manipulated variables and a plurality of controlled variables of a continuous multivariable process" of claim 23, Application No. 09/346,412.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject

matter, as follows: a real-time process information to a user for a process that is operable under control of one or more process variables.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer et al. [US 4,675,147] in view of van Weele et al. [US.5,631,825].

As to claims 1 and 21, Schaefer et al. teaches a scale extending along a gauge axis (figure 1, column 9, lines 39-53), a graphical shape displayed along the gauge axis representative of a value of the corresponding process variable relative to the process limit values (column 3, lines 50-67)

The difference between the claim and Schaefer et al. is at least one pair of high and low limits elements displayed on the gauge axis representative of high and low process limit values for the in figure 33, column 16, lines 1-10, they do not explicitly teach defining the high and low limit of the process variables. Schaefer et al. discloses one set of variables with user defined high and low limits and the processing of the representation of high and low process limit values for the corresponding process variable on column 9, lines 30-53 and column 13, lines 6-38. It would have been obvious to one of ordinary skill in the art, having the teachings of Schaefer et al. and van Weele et al. before

them at the time the invention was made to modify the gauge axis and the graphical shape taught by Schaefer et al. to include the user defining high and low limits of van Weele et al., in order to provide an operator station which presents process, thereby enabling human supervision of the plurality of manufacturing processes from a single physical location, as taught by van Weele et al.

As to claims 2 and 22, van Weele et al. also discloses the at least one graphical device on (figure 28) includes a first pair of high and low limit elements representative of engineering hard high and low limit values for the corresponding process variable and a second pair of high and low limit elements representative of operator set high and low limit values for the corresponding process variable (figure 33, 338, column 31, lines 1-13). Van Weele et al. has the graphical device, and also van Weele et al. has the operator set high and low limit values. So, it is easy to know that the operator set high and low limit values on the graphical device.

As to claims 3 and 23, Schaefer et al. teaches the at least one graphical device includes a first pair of parallel lines extending orthogonal to the gauge axis representative (figure 1, column 11, lines 38-64). The difference between Schaefer et al. and the claim is the engineering hard high and low limit values for the corresponding process variable and a second pair of pair of parallel lines extending orthogonal to the gauge axis representative of the operator set high and low limit values for the corresponding process variable. However, van Weele et al. shows the operator set high and low limit values on figure 33, 338, column 31, lines 1-13.

As to claims 4 and 24, Schaefer et al. also teaches a single pair of parallel lines extending orthogonal to the gauge axis (figure, column 8, lines 30-59). The difference between Schaefer et al. is the represent both the engineering hard high and low limit values and the operator set high and low limit values for the corresponding process variable when the operator set high and low limit values are set at the engineering hard high and low limit values. However, van Weele et al. show the operator set high and low limit values on figure 33, 338, column 31, lines 1-13.

As to claims 5, 6, 25 and 26, Schaefer et al. shows the second pair of parallel lines extending orthogonal to the gauge axis on (column 11, lines 38-64) and van Weele et al. shows the representative of operator set high and low limit values are displayed at a shorter length than and between the first pair of parallel lines extending orthogonal to the gauge axis representative of engineering hard high and low limit values along the gauge axis and the at least one pair of high and low limit elements is a pair of parallel lines extending orthogonal to the gauge axis (column 31, lines 1-15).

As to claims 7 and 27, Schaefer et al. demonstrates the graphical shape is positioned adjacent one of the pair of high and 'Low limit elements when the value for the corresponding process variable is within a certain-range of one of the high and low process limit values (column 8, lines 44-59).

As to claims 8 and 28, Schaefer et al. also demonstrates the graphical shape is positioned outside of the parallel lines when the value for the corresponding process variable is outside the high and low process limit values by a predetermined percentage (figure 1, 16, column 8, lines 36-59).

As to claims 9 and 29, van Weele et al. shows the graphical device on figure 28, column 44, lines 20-48. The difference between van Weele et al. a graphical symbol representative of an optimization characteristic for the corresponding process variable. Schaefer et al. teaches the graphical symbol on (column 17, lines 4-49).

As to claims 10, 11, 30 and 31, Schaefer et al. also shows the graphical user display of claim 9, wherein the graphical symbol is representative of a corresponding process variable to be maximized and the graphical symbol is representative of a corresponding process variable to be maximized (column 17, lines 4-17).

As to claims 12 and 32, Schaefer et al. discloses the graphical symbol is representative of a corresponding process variable which is to be held at a resting value (column 13, lines 1-20).

As to claims 13 and 33, Schaefer et al. also discloses the at least one graphical device further includes a graphical symbol representative of the corresponding to process variable being constrained to set point (column 16, lines 25-51).

As to claims 14 and 34, van Weele et al. teaches one graphical device on figure 28, column 44, lines 20-48. The difference between van Weele et al. and the claim is a graphical symbol representative of the corresponding process variable being wound up. Schaefer et al. shows the graphical symbol on (column 16, lines 25-51).

As to claims 15 and 35, Schaefer et al. also teaches the graphical shape is a circle positioned along the gauge axis (figure 1, column 9, lines 39-66).

As to claims 16, Schaefer et al. demonstrates the graphical shape has a color of a set of colors that reflects the state of the current value for the corresponding process variables (column 17, lines 4-49).

As to claims 17 and 37, Schaefer et al. shows a color for the graphical shape represents one of a current value of the corresponding process variable being within the high and low process limit values, the current value of the corresponding process variable being within a percentage of one of the high and low process limit values, and the current value of the corresponding process variable being outside of the high and low process limit values (column 9, lines 39-53).

As to claim 18, van Weele et al. teaches the process is a continuous multivariable process being performed at a process plant, wherein the continuous multivariable process is operable under control of at least manipulated variables and controllable variables of the one or more process variables. (column 14, lines 11-26).

As to claim 19, van Weele et al. discloses a matrix display having the manipulated variables displayed along a first axis thereof and the controlled variables displayed along a second axis thereof, wherein each of the manipulated and controlled variables includes a graphical device displayed in proximity thereto (column 43, lines 9-40).

As to claim 20, van Weele et al. demonstrates each graphical device displayed is selectable for navigation to more detailed information for process variable, corresponding to the selected graphical device, wherein the detail information is displayed on the same screen therewith (column 36, lines 12-19).

As to claim 36, Schaefer et al. also discloses determining a state of a current value for the corresponding process variable and displaying the graphical shape in a color of a set of colors that reflects the determined state for the corresponding variable (column 15, lines 20-32).

As to claim 38, van Weele et al. also demonstrates the process is a continuous multivariable process being performed at a process plant, wherein the continuous multivariable is operable under control of at least manipulated variables and controlled variables of the one or more process variables, and further wherein the method includes: displaying a matrix display having the manipulated variables displayed along a first axis thereof and the controlled variables displayed along a second axis thereof; and displaying a graphical device in proximity to each of the manipulated variables and controlled variables (column 6, lines 30-65).

As to claim 39, van Weele shows receiving user input to select a displayed graph selected and graphical device, wherein the detailed information is displayed on the same screen with the graphical device (column 40, lines 65-67 and column 41, lines 1-11).

Conclusion

Any inquiry concerning this communications or earlier communications from the examiner should be directed to examiner Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday to Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at the number (703) 308-3116. The fax number for this group is (703) 308-9051.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

Mylinh Tran

Art Unit: 2173



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment for PTO-948 (Rev. 03/01, or earlier)

6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTO-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.